



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,405	03/06/2002	Hans-Juergen Rauh	AGFA 250-KEM	6929

7590

07/28/2003

Karl F Milde Jr
Milde & Hoffberg
Suite 460
10 Bank Street
White Plains, NY 10606

EXAMINER

KIM, PETER B

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,405

Applicant(s)

RAUH ET AL.

Examiner

Peter B. Kim

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 42002.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-24, 30-34, and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (5,929,975).

Matsumoto discloses a printer apparatus and a system for generating images comprising a projector device (40) for projecting image information onto strip-shaped photographic material (P), and for projecting marks onto the photographic material that indicate the position for cutting the material (col. 16, lines 37-58), a controller (20) for producing control signals to cause the projection of the marks on to the material, a detector for detecting the marks and a cutter for cutting the material based on the detection of the detector (col. 16, line 37 – col. 17, line 12). Matsumoto also discloses information in addition to indicating the position for cutting (sorting, 92) and a plurality of lasers (42) for exposing the image information.

Claims 22-24, 30, 31, 33, 34, and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (6,172,736).

Yamamoto discloses a printer apparatus and a system for generating images comprising a projector device (116) for projecting image information onto strip-shaped photographic material

Art Unit: 2851

(102), and for projecting marks onto the photographic material that indicate the position for cutting the material (col. 9, lines 28-34), a controller (col. 5, lines 51-65) for producing control signals to cause the projection of the marks on to the material, a detector (142) for detecting the marks and a cutter (144), located adjacent to the detector, for cutting the material based on the detection of the detector. Yamamoto also discloses information in addition to indicating the position for cutting (bar code for size, col. 8, lines 40-49).

Claims 25, 35, 39, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Adachi et al. (Adachi) (6,597,428).

Adachi discloses a printer apparatus and a system for generating images comprising a projector device (110) for projecting image information onto strip-shaped photographic material (20), and for projecting test information (abstract) onto the photographic material such that the projection of image information maybe monitored (abstract), a controller (Fig. 1) for producing control signals to cause the projection of the test information on to the material, an evaluator for evaluating the test information, a detector for detecting the test information, an adjustor for adjusting the image based on the evaluation (col. 2, line 17 – col. 5, line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-29, 35, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Yamakawa et al. (Yamakawa) (5,809,366).

Art Unit: 2851

Yamamoto discloses a printer apparatus and a system for generating images comprising a projector device (116) for projecting image information onto strip-shaped photographic material (102), and for projecting marks onto the photographic material that indicate the position for cutting the material (col. 9, lines 28-34), a controller (col. 5, lines 51-65) for producing control signals to cause the projection of the marks on to the material, a detector (142) for detecting the marks and a cutter (144), located adjacent to the detector, for cutting the material based on the detection of the detector. Yamamoto also discloses information in addition to indicating the position for cutting (bar code for size, col. 8, lines 40-49). However, Yamamoto does not disclose projecting test information onto the photographic material. Yamakawa discloses projecting test information (abstract) onto the photographic material such that the projection of image information maybe monitored (abstract), a controller (15) for producing control signals to cause the projection of the test information on to the material, an evaluator for evaluating the test information, a detector for detecting the test information, an adjustor for adjusting the image based on the evaluation (col. 2, line 23 – col. 3, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide projecting of the test information to the invention of Yamamoto in order to provide a color calibration method and system which reads a gray-scale pattern and to perform calibration as taught by Yamakawa in col. 2, lines 7-15.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (703) 305-0105. The

Art Unit: 2851

examiner can normally be reached on Monday-Thursday from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9318 for regular communications and 703 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306 3431.

A handwritten signature in black ink, appearing to read 'P.B. Kim', with a stylized flourish at the end.

Peter B. Kim
Patent Examiner
July 25, 2003